

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6195**

**BILL NUMBER:** HB 1022

**NOTE PREPARED:** Nov 15, 2006

**BILL AMENDED:**

**SUBJECT:** Motor Vehicle Occupant Restraint Systems.

**FIRST AUTHOR:** Rep. Torr

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill prohibits stopping, inspecting, or detaining a passenger motor vehicle solely to determine compliance with the law concerning safety belt use by front seat occupants who are at least 16 years of age. It authorizes a police officer to stop, inspect, or detain a motor vehicle solely to determine compliance with the law concerning the use of child passenger restraint systems when the police officer has probable cause to believe that an infraction is being committed under that law.

It repeals: (1) provisions specifying that the failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence; and (2) a prohibition against the admission of evidence of the failure to comply with the law concerning safety belt use in civil actions to mitigate damages. The bill also repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Summary:* The bill could result in the loss of \$1.6 M in fine revenue to the state General Fund and approximately \$720,000 in federal grant money.

*State General Fund Revenues:* With some exceptions, under current law it is a Class D infraction for a person who is a front-seat occupant of a passenger motor vehicle to not have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion (IC 9-19-10-2). Also under current law, law enforcement officers may stop a car solely to determine if a driver is complying with this law. The

bill would not change the penalty for driving without a seat belt, a Class D infraction. However, law enforcement officers would not be permitted to pull a driver over solely to determine whether the front-seat occupants are wearing seat belts.

The maximum judgement for a Class D infraction is \$25, all of which is deposited in the state General Fund. If law enforcement agencies may no longer stop a car solely to determine whether the front-seat passengers in the car are not wearing a seat belt, it is likely that fewer citations will be written and revenue from infraction judgements will decline. The percentage of citations that occur because a law enforcement officer stopped a car simply because of the primary seat belt law is not known. However, because the number of citations issued has increased substantially since the primary seat belt law was enacted makes it likely that the majority of seat belt citations have occurred because of this law.

The primary seat belt law was passed in 1998, and a Supreme Court decision upholding the statute was issued in 1999. Assuming that the annual number of citations that result in a finding of guilt declined to the three-year average between 1997 and 1999 from the five-year average between 2000 and 2004, there would be 63,299 fewer guilty findings for citations related to seat belt violations. If each offender is fined at the maximum amount of \$25 for a Class D infraction, the potential revenue loss to the state General Fund from fewer infractions would be about \$1.6 M.

<b>Citations Issued for Seat Belt Violations (IC 9-19-10-2)</b>		
<b>Year</b>	<b>Number Found or Pleading Guilty</b>	<b>Fine Revenue ( \$25/fine)</b>
1997	49,370	\$1,234,250
1998	57,636	\$1,440,900
1999	42,027	\$1,050,675
<b>Average</b>	<b>49,678</b>	<b>\$1,241,942</b>
2000	79,658	\$1,991,450
2001	130,108	\$3,252,700
2002	128,589	\$3,214,725
2003	139,505	\$3,487,625
2004	87,026	\$2,175,650
<b>Average</b>	<b>112,977</b>	<b>\$2,824,430</b>

Additionally, if fewer court actions are filed, the court fee of \$70 would not be assessed, 70% of which is deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

*Federal Grants:* By federal standards, Indiana has a "primary seat belt law" because law enforcement

agencies can stop a car if the officer reasonably suspects that an occupant is not wearing a seat belt as a primary reason. In states with secondary seat belt laws, a motorist can only be ticketed for being unbuckled if pulled over for another reason.

On average, between FFY 2004 to FFY 2006, the state received \$721,670 from the U.S. Department of Transportation for Occupant Protection Incentive Grants. One requirement of the grants is that the state have a primary enforcement safety belt law.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If fewer court actions are filed, local governments would not receive revenue from the following sources. The county general fund would not receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may not receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would not be deposited in the county general fund and 25% would not be deposited in the city or town general fund. Additional fees may not be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

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